

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GARY B. WILLIAMS,)	
)	
Petitioner,)	
v.)	
)	Civil Action No. 3:14CV507-HEH
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

**MEMORANDUM OPINION
(Denying 28 U.S.C. § 2255 Motion)**

Gary B. Williams, a state inmate proceeding *pro se*, submitted this motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence ("§ 2255 Motion," ECF No. 1.) The pertinent portion of that statute provides:


A prisoner in custody *under sentence of a court established by Act of Congress* claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

28 U.S.C. § 2255(a) (emphasis added). In his § 2255 Motion, Williams seeks to challenge his convictions for aggravated malicious wounding and wounding in the commission of a felony. (§ 2255 Mot. ¶ 4.) Such convictions occurred in the Circuit Court of the City of Suffolk, Virginia. *See Williams v. Clarke*, No. 3:13CV276-HEH, 2014 WL 3640344, at *1 (E.D. Va. July 22, 2014). Accordingly, Williams's § 2255 Motion is frivolous and will be denied. The action will be dismissed.

An appeal may not be taken from the final order in a § 2255 proceeding unless a judge issues a certificate of appealability (“COA”). 28 U.S.C. § 2253(c)(1)(B). A COA will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). Williams has not satisfied this standard. Accordingly, a certificate of appealability will be denied.

An appropriate Final Order will follow.

Date: Aug 7, 2014
Richmond, Virginia



/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE